D.B. CIVIL SPECIAL APPEAL NO.63/2007
(Anda Ram & Ors. Vs. Sh. Narsa Ram & Ors.)

Date:- 01.08.2007

HON'BLE MR. RAJESH BALIA,J.
HON'BLE MR. MAHESH CHANDRA SHARMA,J.

Mr. Rajesh Choudhary, for the appellant.

Having heard learned counsel for the appellant, we do not find merit in this appeal.

Deceased, whose brothers and sisters are the appellants as claimants, when she died as a result of accident was 17 years old only. Considering the fact that she was working as a casual labourer as alleged by the claimants and that she was also some time doing tailoring work at home, accepted the statement of the claimants that the deceased was earning wages at Rs. 60/- per day. The Court has accepted the claim about the earning as a face value by computing the monthly average income of Rs. 1200/- per month net after adjusting money spent for herself or Rs.14,400/- annual income. On that premise the compensation amount has been determined in the sum of Rs.1,67,000/- by including a sum of Rs. 5000/- towards funeral expenses and Rs. 10,000/- towards loss of love and affection. The contention raised before us is that multiplier applied in the case is inadequate.

We are of the opinion that looking to the fact that the deceased was not head of the family and his elder brother was 28 years of age, was real bread earner of the family and considering the fact that deceased was a girl and would have gone to her in-laws house after the marriage, the amount of compensation awarded in this case cannot be said to be inadequate.

The appeal fails and is hereby dismissed.

(MAHESH CHANDRA SHARMA),J. **(RAJESH BALIA),J.**

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